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PATENT APPLICATION

*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

*Group:* 1623

*Attorney Docket:* RDID 0050 US

*Applicant:* Hoss et al.

*Invention:* Analytical Element and Method  
for the Determination of an Analyte in  
a Liquid

*Serial No.:* 09/620,038

*Filed:* 20 July 2000

*Examiner:* M. Chaudhry

REPLY IN RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is submitted in response to the restriction requirement of August 14, 2001. In response thereto, Group I, i.e., Claims 23-50 are provisionally elected. This election is made with traverse.

REMARKS

It is respectfully submitted that the pending claims of Groups I (claims 23-50) and II (51-67) are not patentably distinct. Group I is drawn to a method for determining the glucose concentration in a body fluid with glucose-containing perfusate. Group II is drawn to an arrangement for determining the glucose concentration in a body fluid.

The restriction requirement proffers that the process as claimed (Group I) can be practiced by hand. The Examiner's attention is directed to line 3 of claim 23 that recites the step of "providing a microdialysis probe, a measurement cell, and a control device". Claim 23 goes on to recite at line 4 the step of "inserting the microdialysis probe into the body fluid"; at line 7 the step of "transporting the dialysate to the measuring cell"; and at lines 10-12 the step of "adjusting the starting content of glucose . . . with the control device".

Accordingly, due to the recitation of a microdialysis probe, a measurement cell, and a control device in the claimed method, it is submitted that the claim language itself precludes that the process as claimed be practiced by entirely by hand. Moreover, a microdialysis probe, a measurement cell, and a control device are recited in both claim 23 of Group I and claim 51 of Group II. Thus, it is submitted that the process as claimed is not practiced by another materially different apparatus.

Therefore, it is respectfully submitted that a search of Group I will in fact result in a search of the inventions of Group II. Accordingly, reconsideration of the restriction requirement is believed proper, and is requested.

The claims are believed to be in condition for allowance, and allowance of the application is respectfully requested. It is requested that this paper be considered a Petition for Extension of time sufficient to effect a timely response, and that all fees due be charged to Deposit Account Number 50-0877 with reference to (RDID 0050US).

Respectfully submitted,  
The Law Office of Jill L. Woodburn, L.L.C.

5/17/2001  
(Date)

Jill L. Woodburn  
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	<b>Filing Date</b>	July 20, 2000	
	<b>First Named Inventor</b>	HOSS et al.	
	<b>Group Art Unit</b>	1623	
	<b>Examiner Name</b>	Chaudhry, M.	
<b>Total Number of Pages in This Submission</b>	3	<b>Attorney Docket Number</b>	RDID 0050 US

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Jill L. Woodburn Reg. 39,874
Signature	<i>Jill L. Woodburn</i>
Date	<i>September 1, 2001</i>

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <i>Sept 1, 2001</i>	
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